

AMENDED IN SENATE APRIL 11, 2007

AMENDED IN SENATE MARCH 28, 2007

SENATE BILL

No. 822

**Introduced by Senator Aanestad
(Coauthors: Senators Romero and Lowenthal)**

February 23, 2007

~~An act to amend Sections 2902, 2904, 2960, 4040, 4502, 4502.1, and 4502.2 of, and to add Sections 2949, 2949.2, 2949.3, 2949.4, and 2949.5 to, the Business and Professions Code, relating to psychology. An act to amend Section 43.8 of the Civil Code, relating to immunity.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 822, as amended, Aanestad. ~~Psychology-Immunity: evaluation of practitioner of healing arts.~~

Existing law provides immunity from liability to any person whose communications to a hospital, hospital medical staff, veterinary hospital staff, professional society, or any medical, dental, podiatric, or veterinary school, among others, are intended to aid in the evaluation of the qualifications, fitness, character, or insurability of a practitioner of the healing or veterinary arts.

This bill would extend that immunity to any person whose communications to a psychology school are intended to aid in the evaluation of the qualifications, fitness, character, or insurability of a practitioner of the healing or veterinary arts.

~~The Psychology Licensing Law provides for the licensure and regulation of psychologists by the Board of Psychology, and the Pharmacy Law provides for the regulation of prescription drug and medical device dispensing by the California State Board of Pharmacy. The Psychology Licensing Law provides that the practice of psychology~~

~~does not include the prescribing of drugs and does not authorize a psychologist to prescribe drugs or write prescriptions. Existing law additionally makes a violation of its provisions a crime and unprofessional conduct, constituting grounds for disciplinary action by the Board of Psychology.~~

~~This bill would revise these provisions to authorize a certified prescribing psychologist, as defined, to prescribe drugs for the treatment of disorders related to the practice of a certified psychologist if certain requirements are met. This bill would require the Board of Psychology to establish and administer a certification process to grant licensed psychologists the authority to write prescriptions, and would require an applicant for certification as a prescribing psychologist to meet specified education and training requirements, including requirements of clinical competency, and passing a nationally recognized examination approved and administered by the board. The bill would require the board to charge fees for the issuance and renewal of a certificate to cover the costs of administering the certification process and the examination, and would provide for the deposit of these fees in the Psychology Fund. The bill would require the board to establish requirements for the renewal of a certificate, including continuing education requirements, and to provide certain information to the California State Board of Pharmacy, including a list of psychologists certified to prescribe drugs. The bill would also require an approved education or training program to meet specified requirements, including providing certain reports to the board.~~

~~This bill would include as unprofessional conduct, subject to disciplinary action by the board, a violation of particular provisions of law relating to the prescribing of drugs.~~

~~By adding these provisions, this bill would impose a state-mandated local program by creating new crimes.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~no.
State-mandated local program: ~~yes~~no.~~

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 43.8 of the Civil Code is amended to read:*

2 43.8. In addition to the privilege afforded by Section 47, there
3 shall be no monetary liability on the part of, and no cause of action
4 for damages shall arise against, any person on account of the
5 communication of information in the possession of that person to
6 any hospital, hospital medical staff, veterinary hospital staff,
7 professional society, medical, dental, podiatric, *psychology*, or
8 veterinary school, professional licensing board or division,
9 committee or panel of a licensing board, the Senior Assistant
10 Attorney General of the Health Quality Enforcement Section
11 appointed under Section 12529 of the Government Code, peer
12 review committee, quality assurance committees established in
13 compliance with Sections 4070 and 5624 of the Welfare and
14 Institutions Code, or underwriting committee described in Section
15 43.7 when the communication is intended to aid in the evaluation
16 of the qualifications, fitness, character, or insurability of a
17 practitioner of the healing or veterinary arts. The immunities
18 afforded by this section and by Section 43.7 shall not affect the
19 availability of any absolute privilege ~~which~~ *that* may be afforded
20 by Section 47.

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23 **All matter omitted in this version of the bill**
24 **appears in the bill as amended in Senate,**
25 **March 28, 2007 (JR11)**
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